

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION**

JENNIFER NOWLIN,

Plaintiff,

v.

LOWE’S HOME CENTERS LLC,

Defendant.

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Civil Action No. 20-00193

NOTICE OF REMOVAL

In accordance with 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Lowe’s Home Centers, LLC (“Defendant” or “Lowe’s”), by and through its undersigned counsel, hereby removes this case to the United States District Court for the Eastern District of Tennessee, Northern Division, on the following grounds:

1. On August 4, 2020, Plaintiff Jennifer Nowlin (“Plaintiff”), commenced a civil action in the Circuit Court of Sevier County, Tennessee under Docket No. 20-cv-500-I, asserting claims against Lowe’s for purported violations of the Family Medical Leave Act of 1993 (“FMLA”), as amended, 29 U.S.C. § 2601, *et seq.* (the “State Court Action”).

2. On or about August 17, 2020, Plaintiff affected service of process by serving a copy of the Summons and Complaint in the State Court Action on Defendant’s registered agent for service of process at 2908 Poston Avenue, Nashville, TN 37203. A copy of the Service of Summons and Complaint are attached hereto as **Exhibit A**. No further proceedings have occurred in the State Court Action.

3. As of the date of the filing of the Complaint, and as of the date hereof, Plaintiff Jennifer Nowlin was and is a citizen and resident of Florida. Likewise, as of the date of the filing of the Complaint, and as of the date hereof, Defendant Lowe's was and is a corporation organized under the laws of the State of North Carolina with its principal place of business in Wilkesboro, North Carolina.

4. This Court has original jurisdiction of the Complaint in the above-styled action pursuant to 28 U.S.C. § 1332 because it is a civil action in which the amount in controversy exceeds \$75,000.00, exclusive of interest and costs, and is between citizens of different states. Specifically, on the face of the Complaint, Plaintiff alleges that Defendant has interfered with her rights under the FLMA and has demanded up to \$200,000.00 in damages.

5. Because this Court has original jurisdiction over the State Court Action under 28 U.S.C. § 1332, removal of the State Court Action to this Court is proper under 28 U.S.C. § 1441.

6. Venue is proper in this district under 28 U.S.C. § 1446(a), as the United States District Court for the Eastern District, Northern Division, is the federal district court for the district and division embracing the place where this removed State Court Action is pending.

7. This Notice of Removal has been filed with this Court within thirty (30) days of the service upon the Defendant of the Complaint and Summons in this action.

WHEREFORE, Defendant Lowe's Home Centers LLC respectfully requests that this action be removed from the Circuit Court of Sevier County, Tennessee, to the United States District Court for the Eastern District of Tennessee, Northeastern Division.

Dated: September 14, 2020

Respectfully submitted,

s/Tim K. Garrett

Tim K. Garrett (BPR# 012083)

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Counsel for Defendants

CERTIFICATION OF SERVICE

I hereby certify that on the 14th day of September, 2020, the foregoing Notice of Removal was electronically filed with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served on this day on all counsel or parties of record identified below:

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s/Tim K. Garrett
Tim K. Garrett